

REMARKS

Claims 1, 2, 4 and 8-10 are pending in this application. Claims 5-7, and 11-19 have been withdrawn from reconsideration. Claim 1 has been amended. Claim 3 has been cancelled.

In the Office Action, claims 1-2 and 8-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,515,494 (Low) in view of U.S. Patent No. 6,061,322 (Jain). Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Low in view of Jain and further in view of U.S. Patent No. 6,922,069 (Jun). Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Low in view of Jain and further in view of U.S. Patent No. 4,929,893 (Sato). These rejections are respectfully traversed. Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the obviousness rejection of independent claim 1, this claim has been amended to incorporate the limitations of original dependent claim 3, which has consequently been cancelled. Original claim 3 was rejected based on a combination of Low, Jain and Jun. However, the Jun reference is not properly considered prior art to the present application, because the present application has an earlier priority date. The earliest effective priority date for Jun is December 19, 2003, while the priority date of the present application is April 25, 2003. Submitted herewith is a certified English translation of the Japanese priority document of the present application in compliance with 35 U.S.C. §119(b)(3). Since Jun is not prior art to the present application, it cannot be used in an obviousness rejection under §103. Hence, the obviousness rejection of claim 3 (now of amended claim 1) is improper and should be withdrawn.

Consequently, amended independent claim 1 is patentable, as are claims 2 and 8-10, which depend from claim 1.

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Regarding the rejection of dependent claim 4 based on Low, Jain and Sato, the Sato reference does not disclose the analysis plate made of silicon missing from Low and Jain and required by amended claim 1, from which claim 4 depends. Therefore, any combination of Low, Jain and Sato, however made, would be missing this claimed feature, and it would not have been obvious to add this feature to any Low/Jain/Sato combination to yield the invention of claim 4.

Consequently, claim 4 is patentable.

Accordingly, it is believed that the application is now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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